



1644

Docket No.: PF140C2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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SEP 16 2003

In re Patent Application of:  
He et al.

Application No.: 09/895,263

Group Art Unit: 1644 TECH CENTER 1800/2800

Filed: July 2, 2001

Examiner: Phuong N. Huynh

For: Antibodies to Interleukin-1 Beta Converting  
Enzyme Like Apoptosis Protease-3 and 4

COMMUNICATION

P.O. Box 1450  
Alexandria, VA 22313-1450

In the interview of August 5, 2003 concerning the above captioned application, the Examiner requested clarification of support for an earlier filed amendment (July 2, 2001) to the numbering of a particular conserved amino acid sequence from ICE-LAP-3, QACRG. Applicants thank the Examiner for bringing this issue to their attention.

A recently filed amendment (Paper No. 12, filed on September 3, 2003) failed to address this issue. The instant communication explains the support for the July 2, 2001 amendment and further addresses the erroneous assignment of the original amino positions to the QACRG sequence in two recently filed amendments (Paper Nos. 9 and 12).

The original specification filed on July 2, 2001 showed the ICE-LAP-3 QACRG sequence at polypeptide residues 259-263. However, resequencing of the cDNA encoding the ICE-LAP-3 polypeptide had revealed that the start codon of the ICE-LAP-3 open reading frame is closer to the QACRG sequence than originally disclosed. Thus, a Substitute Sequence Listing was also filed July 2, 2001 in which the position of the QACRG sequence of ICE-LAP-3 was changed from amino acid residues 259-263 to amino acid residues 184-188. Support for the changed position of the QACRG sequence is found in the following papers, also filed on July 2, 2001: a copy of the Declaration of Craig Rosen of March 14, 1999, and Substitute Formal Drawings (in particular Fig. 1A-1B).

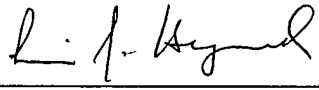
In a previously filed amendment, the ICE-LAP-3 QACRG sequence was erroneously described as occurring at amino acid residues 259-263, *See* Paper No. 9, filed March 17, 2003, at page 11, last paragraph, and at page 13, second full paragraph. The same error was made in Paper No. 12, filed September 3, 2003, at page 25, first paragraph, and at page 27, first full paragraph. The correct position of the QACRG sequence is at amino acid residues 184-188 as recited in the July 2, 2001 preliminary amendment to the specification described above.

**Conclusion**

Applicants respectfully request that this communication be made of record in the file history of the present application. The Examiner is invited to call the undersigned at the phone number provided below if any further explanation by Applicant would hasten examination of this application.

Dated: September 15, 2003

Respectfully submitted,

By 

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PTO/SB/17 (05-03)  
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<b>FEE TRANSMITTAL</b> <b>for FY 2003</b> <small>Effective 01/01/2003, Patent fees are subject to annual revision.</small>		<b>Complete if Known</b>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	09/895,263-Conf. #3220
<b>TOTAL AMOUNT OF PAYMENT</b> (\$) 0.00		Filing Date	July 2, 2001
		First Named Inventor	Wei-Wu He
		Examiner Name	P. Huynh
		Art Unit	1644
		Attorney Docket No.	PF140C2

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<b>METHOD OF PAYMENT</b> (check all that apply)	
<input type="checkbox"/> Check	<input type="checkbox"/> Credit Card
<input type="checkbox"/> Money Order	<input type="checkbox"/> Other
<input type="checkbox"/> None	
<input type="checkbox"/> Deposit Account	
Deposit Account Number	08-3425
Deposit Account Name	Human Genome Sciences, Inc.
The Director is hereby authorized to: (check all that apply)	
<input type="checkbox"/> Charge fee(s) indicated below	<input checked="" type="checkbox"/> Credit any overpayments
<input checked="" type="checkbox"/> Charge any additional fee(s) during the pendency of this application	
<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.	

FEE CALCULATION (continued)					
3. ADDITIONAL FEES					
Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37CFR 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify)					
*Reduced by Basic Filing Fee Paid				<b>SUBTOTAL (3)</b>	0.00

<b>FEE CALCULATION</b>					
<b>1. BASIC FILING FEE</b>					
Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
<b>SUBTOTAL (1)</b>				(\$)	0.00
<b>2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE</b>					
Total Claims	61	-83** =		Extra Claims	Fee from below
Independent Claims	6	-9** =			
Multiple Dependent					
Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	84	2201	42	Independent claims in excess of 3	
1203	280	2203	140	Multiple dependent claim, if not paid	
1204	84	2204	42	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
<b>SUBTOTAL (2)</b>				(\$)	0.00
**or number previously paid, if greater; For Reissues, see above					

<b>SUBMITTED BY</b>		<b>Complete (if applicable)</b>	
Name (Print/Type)	Lin J. Hymel	Registration No. (Attorney/Agent)	45,414
Signature		Telephone	(301) 251-6015
		Date	September 15, 2003